

NATURE OF CHARGE: Misbranding, Section 502 (a), the following label statements were false and misleading since the article would not be effective in the treatment of the conditions represented: "Sore Throat (caused by colds or local infection) * * * use Nycol 3 or 4 times daily * * *," "* * * apply freely for * * * sore throat * * * eczema * * *," acne, impetigo, ringworm, * * * pityriasis, * * * barber's itch, seborrhea. Apply Nycol to afflicted area 4 or 5 times daily. Some skin ailments are caused by internal conditions. (Use Nycol to relieve effects and to prevent secondary infection)."

DISPOSITION: September 2, 1948. Default decree of condemnation and destruction.

2666. Misbranding of Ru-Mex-Ol Compound. U. S. v. 966 Dozen Bottles * * *.
(F. D. C. No. 25147. Sample Nos. 27267-K, 45809-K, 45810-K.)

LIBEL FILED: August 3, 1948, Western District of Tennessee.

ALLEGED SHIPMENT: On or about April 28, May 26, and June 26 and 30, 1948, by the W. T. Rawleigh Co., from Freeport, Ill.

PRODUCT: 966 dozen bottles of *Ru-Mex-Ol Compound* at Memphis, Tenn. Examination showed that the product consisted of approximately 10 percent alcohol, 85 percent water, and 5 percent extractives from plant materials, and potassium iodide (0.4 grain per teaspoonful) and salicylic acid (0.3 grain per teaspoonful). A pharmacological test revealed that the article when taken as directed in the labeling, namely, "Adults 1 to 2 teaspoonfuls 3 times a day after meals," produced no laxative effect.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the article were false and misleading since they represented and suggested that the article when used as directed would produce alterative or laxative effects and that it would have a significant effect in stimulating the appetite, whereas the article when taken as directed would not be effective to produce alterative or laxative effects and would not have any significant effect in stimulating the appetite.

DISPOSITION: September 13, 1948. Default decree of condemnation and destruction.

2667. Misbranding of Ferguson's Zerret Applicator. U. S. v. 16 Devices * * *.
(F. D. C. No. 25500. Sample No. 25863-K.)

LIBEL FILED: August 26, 1948, District of South Dakota.

ALLEGED SHIPMENT: By the firm, Ferguson's Zerret Applicator, from Chicago, Ill. The devices were shipped on or about July 8, 1948, and a number of circulars were shipped on or about August 6, 1948.

PRODUCT: 16 devices known as "*Ferguson's Zerret Applicator*" at Aberdeen, S. Dak., together with a number of circulars entitled "Directions for the use of the Zerret Applicator" and "Why Zerret Works." Examination showed that the device consisted of two plastic spheres joined together with a plastic band and containing a liquid. According to the labeling, when the device is held in the hands it will give off energy which exerts a curative effect. Tests showed that the device gives off no known type of energy.

NATURE OF CHARGE: Misbranding, Section 502(a), the following statements in the circular entitled "Why Zerret Works" and similar statements in the circular entitled "Directions for the use of the Zerret Applicator" were false and misleading since the statements represented and suggested that the device was effective in the treatment of disease, whereas it was not effective for such purposes: "Health Through the Hands * * * Zerret is produced by expanding the hydrogen Atom, which in turn produces positive Life Energy. When you hold the Zerret Applicator it works on your life current, expanding the Atoms of the same. As this takes place, it in turn expands all atoms of your being. Expansion of your Atoms produces what is commonly called Relaxation. As Relaxation is maintained from day to day, healing takes place in the most natural way. As this takes place there is a constant discharge of negative energy, which has been causing contraction of the Atoms, which in turn is the cause of all disease. You can readily see that through the use of Zerret we have the key to the cause and correction of disease. These are the facts about the Zerret Applicator. The Proof of the foregoing can only be ascertained by the use of the Applicator, To anyone who suffers from any known disease, you owe it to yourself to investigate this opportunity to become free from that suffering, and in this case, investigation means actually using the Zerret Applicator. If you do investigate, you will be given every cooperation to enjoy this wonderful discovery. We have proof of this from the hundreds of users, who are enjoying good health today. They are well because they did what we are asking you to do now * * * Act today for Health."

DISPOSITION: March 9, 1949. Ruby Dreier, Aberdeen, S. Dak., claimant, having filed an answer denying that the devices were misbranded, but later having consented to the entry of a decree, judgment of condemnation was entered and the devices were ordered destroyed.

DRUGS FOR VETERINARY USE*

- ✓ 2668. Misbranding of McClellan's Rex Liquid Special Rx 4 and McClellan's Poultry Virycide. U. S. v. 11 Bottles, etc. (F. D. C. No. 25999. Sample Nos. 29611-K, 29612-K.)

LIBEL FILED: November 10, 1948, District of Colorado.

ALLEGED SHIPMENT: On or about June 24, 1948, by C. U. McClellan Laboratories Corp. from Los Angeles, Calif.

PRODUCT: 11 quart bottles, 48 pint bottles, and 55 8-ounce bottles of *McClellan's Rex Liquid Special Rx 4*, and 10 gallon bottles, 18 quart bottles, and 17 pint bottles of *McClellan's Poultry Virycide* at Denver, Colo. Analyses of samples showed that the composition of the products was essentially as stated on their labels.

LABEL, IN PART: "McClellan's Rex Liquid Special Rx 4 For Poultry And Turkeys * * * Active Ingredient: diisobutylphenoxyethoxyethyl-dimethylbenzylammonium Chloride-----1.25% Inert Ingredients-----98.75% * * * These ingredients include Water, Isopropyl Alcohol (10%), Glauber Salts, Epsom Salts, Iron Sulfate, Salt, Lactic Acid, Potassium Iodide, Sodium Benzoate, Oil of Anise, Red Pepper * * *" and "McClellan's Poultry Virycide * * * Active Ingredient: Para Tertiary octyl phenoxy ethoxyethyl dimethyl benzyl ammonium chloride-----10% Inert Ingredients-----90% * * *."

*See also No. 2657.